



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Daniel H. Howard

Appl. No. 09/988,065

Filed: November 16, 2001

For: **Method and Apparatus for Detection  
and Classification of Impairments on  
an RF Modulated Network**

Confirmation No. 7548

Art Unit: 2613

Examiner: *To Be Assigned*

Atty. Docket: 1875.1460001

**Information Disclosure Statement**

**RECEIVED**

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**Technology Center 2600**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application

does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

Applicants have checked the appropriate boxes below.

- 1. Statement under 37 C.F.R. 1.704(d). Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this information disclosure statement.
- 2. Filing under 37 C.F.R. § 1.97((b)). This Information Disclosure Statement is being filed within three months of the date of filing of a national application other than a continued prosecution application (CPA), OR within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in an international application, OR before the mailing date of a first Office Action on the merits OR before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114. No statement or fee is required.
- 3. Filing under 37 C.F.R. § 1.97(c). This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection, or Notice of Allowance, or an action that otherwise closes prosecution in the application.
- a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

- b. Statement under 37 C.F.R. § 1,97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
- c. Attached is our Check No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ in payment of the fee under 37 C.F.R. § 1.17(p).

□ 4. Filing under 37 C.F.R. § 1.97(d) This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. Enclosed find our Check No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ in payment of the fee under 37 C.F.R. § 1.17(p); in addition:

- a. Statement under 37 C.F.R. § 1,97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
- b. Statement under 37 C.F.R. § 1,97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

☒ 5. The documents AA1, AL1, and AR1 were cited in a search report by a foreign patent office in a counterpart foreign application. Submission of an English language version of the search report AS1 indicates the degree of relevance

found by the foreign office is provided in satisfaction of the requirement for a concise explanation of relevance. 1138 OG 37, 38.

- 6. A concise explanation of the relevance of the non-English language document(s) appears below:
- 7. Copies of the documents were cited by or submitted to the Office in an IDS that complies with 37 C.F.R. § 1.98(a)-(c) in Application No. \_\_\_\_\_, filed \_\_\_\_\_, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



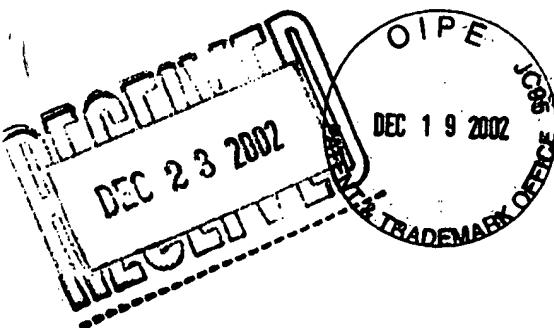
Thomas C. Fiala  
Attorney for Applicant  
Registration No. 43,610

Date: 12/19/02

1100 New York Avenue, N.W.  
Suite 600  
Washington, D.C. 20005-3934  
(202) 371-2600



ATTORNEYS AT LAW



Robert Greene Sterne  
Edward J. Kessler  
Jorge A. Goldstein  
David K.S. Cornwell  
Robert W. Esmond  
Tracy-Gene G. Durkin  
Michele A. Cimbalta  
Michael B. Ray  
Robert E. Sokohl  
Eric K. Steffe  
Michael Q. Lee  
Steven R. Ludwig  
John M. Covert  
Linda E. Alcorn  
Robert C. Millonig  
Lawrence B. Bugalsky  
Donald J. Featherstone  
Michael V. Messinger

Judith U. Kim  
Timothy J. Shea, Jr.  
Patrick E. Garrett  
Jeffery T. Helvey\*  
Heidi L. Kraus  
Crystal D. Sayles  
Edward W. Yee  
Albert L. Ferro\*  
Donald R. Banowitz  
Peter A. Jackman  
Molly A. McCall  
Teresa U. Medler  
Jeffrey S. Weaver  
Kendrick P. Patterson  
Vincent L. Capuano  
Albert J. Fasulo II\*  
Eldora Ellison Floyd  
W. Russell Swindell

Thomas C. Fiala  
Brian J. Del Buono  
Virgil Lee Beaston\*  
Reginald D. Lucas\*  
Kimberly N. Reddick  
Theodore A. Wood  
Elizabeth J. Haanes  
Bruce E. Chalker  
Joseph S. Ostroff  
Frank R. Cottingham\*  
Christine M. Lhulier  
Rae Lynn Prengaman\*  
Jane Shershenovich\*  
Lawrence J. Carroll\*  
George S. Bardmesser  
Rodney G. Maze

Registered Patent Agents\*  
Karen R. Markowicz  
Andrea J. Kamage  
Nancy J. Leith  
Ann E. Summerfield  
Helene C. Carlson  
Gaby L. Longsworth  
Matthew J. Dowd  
Aaron L. Schwartz  
Angelique G. Uy  
Boris A. Matveiko  
Mary B. Tung  
Katrina Y. Pei  
Bryan L. Skelton  
Robert A. Schwartzman  
Jason D. Eisenberg  
John L. Figueroa

Senior Counsel  
Samuel L. Fox  
Kenneth C. Bass III  
Lisa A. Dünner

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Die  
12/26/02

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\*Admitted only in Virginia  
\*Admitted only in Texas  
•Practice Limited to  
Federal Agencies

December 19, 2002

WRITER'S DIRECT NUMBER:  
(202) 218-7835  
INTERNET ADDRESS:  
TFIALA@SKGF.COM

Commissioner for Patents  
Washington, D.C. 20231

Art Unit 2613

Re: U.S. Utility Patent Application  
Appl. No. 09/988,065; Filed: November 16, 2001  
For: **Method and Apparatus for Detection and Classification of  
Impairments on an RF Modulated Network**  
Inventor: Daniel H. Howard  
Our Ref: 1875.1460001

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Technology Center 2600

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Information Disclosure Statement;
2. Form PTO-1449 accompanying four (4) documents; and
3. A return postcard.

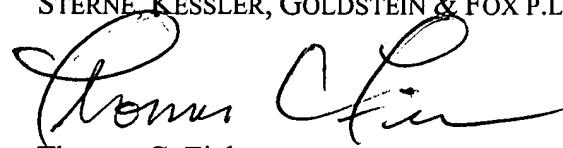
It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Commissioner for Patents  
December 19, 2002  
Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Thomas C. Fiala  
Attorney for Applicant  
Registration No. 43,610

TCF/mjg  
Enclosures

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